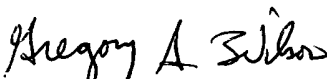


Rebuttal to Robert Baldwin's review of 10/073,711

In response to Robert Baldwin's response of "102 rejection that should have been made", attention is directed toward Figures 1 & 2 of Japanese reference Tetsuji (62-37923). Reviewer argues that "whether or not an outer edge of a substrate contacts the first surface obviously depends on the method of using the hot plate...". The application was examined based on what is claimed and what was disclosed in the specification, not particularly to hypothetical situations. The applicant discloses a hot plate having a first surface having a first recess disposed in the first surface in which a substrate rests on the outer edges of the first surface. The reviewer takes the position that if the substrate of Tetsuji (62-37923) were larger, it would rest on a top surface of the reference. It is mere speculation that a larger sized substrate would fit under the "biased clamp" (5) which itself is attached to the first surface, and it appears that a larger substrate would be obstructed by the clamp and not be capable of contacting the first surface. It is known in the art for a substrate to have as little contact area with a hot plate for keeping scratches to a minimum and for having more substrate area exposed for evenly heat treating the substrate. 35 U.S.C. 102 states that the reference must teach every aspect of the claimed invention either explicitly or impliedly, and any feature not directly taught must be inherently present.

In response to Robert Baldwin's suggestion of 35 U.S.C. rejection(s) that should have been made, attention is directed toward Hardy et al (5,343,012) wherein a substrate (14) rests on a top surface (30). Baldwin therefore concludes that substrates may rest on the first surface of Tetsuji (62-37923). Tetsuji offers no suggestion that its' top surface be used for supporting wafer substrates, on the contrary Tetsuji clearly identifies the sole purpose of the top surface is for

attaching a "biased clamp" (5) for securing a substrate within the recess of the substrate holder (6) in which case the clamp (22) of Hardy et al functions differently in that its' clamp is not supported by the top surface (30), but secures a wafer substrate to the top surface. I hold the position that the suggested modification does not meet the claim language in view of the specification.


Greg Wilson

ALLOWED REVIEW**Applicati n
Number**
10/073,711**Art Unit**
3749**Notice of
Allowance**
24-Jul-03**Examiner**
WILSON, GREGORY A**Reviewer**
Baldwin, Robert**Omitted Rejections****Is there a potential clear error for omitting a rejection? (The rejection
you propose must be reasonable)**☒ Yes ☐ No

If yes, check all that apply

☒ 35 U.S.C. 102☒ 35 U.S.C. 103☐ 35 U.S.C. 112, first paragraph, written description☐ 35 U.S.C. 112, first paragraph, enablement☐ 35 U.S.C. 112, second paragraph☐ 35 U.S.C. 101 (utility)☐ 35 U.S.C. 101 (non-statutory subject matter)☐ Double Patenting (statutory, ODP)☐ Other (e.g., Best Mode)

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10/073,711

Notice Of Allowance

24-Jul-03

Reviewer

Baldwin, Robert

Section III. 35 U.S.C. 102**Correctness f 35 U.S.C 102 Rejections**

Were all 35 U.S.C 102 rejections reasonable?

☐ Yes ☐ No**(No indicates potential clear error)**

If no, indicate the problem (check all that apply)

- ☐ Claimed features not found in the reference.
- ☐ Wrong subsection of 35 U.S.C. 102 used.
- ☐ Date of the reference no good.
- ☐ Inherency applied improperly.
- ☐ Improper official notice.
- ☐ Other

Comments:

Clarity of 35 U.S.C 102 Rejections

Were all 35 U.S.C. 102 rejections formulated in a clear manner?

☐ Yes ☐ No**(No indicates potential clear error)**

Were claim limitations matched to the art?

☐ Yes ☐ Sometimes ☐ No

Was any statement of inherency clearly explained?

☐ Yes ☐ Sometimes ☐ No ☐ N/A

Comments:

35 U.S.C 102 Rejection(s) That Should Have Been Made

Give a brief description of the proposed 35 U.S.C. 102 rejection(s) that should have been made:

Claims 1 and 9 are fully readable on Tetsuji (62-37923) which discloses (Figs. 1-2) apparatus comprising a hot plate having a first recess 9 of uniform depth in the first surface and a recess 7 disposed proximate a center region of the bottom of the first recess such that an approximately uniform temperature is achieved at a first surface of a substrate 1. Whether or not an outer edge portion of a substrate contacts the first surface obviously depends on the method of using the hot plate (i.e., the size of substrate being baked), but it is clear that the first recess is sized such that the outer edge of a larger substrate would fit under the inner portion of biased pivoting clamp means 5 and contact the end portion of the hot plate first surface.

Origin of Prior Art used in the proposed 35 U.S.C. 102 rejection(s) above

☒ of record☐ not of record (attach search logic/documentation)☐ East☐ EPO☐ Other☐ West☐ JPO☐ NPL☐ Derwent

Comments:

ALLOWED REVIEW

Applicati n Number

10/073,711

N tice Of Allowance

24-Jul-03

Reviewer

Baldwin, Robert

Section III: 35 U.S.C. 103

C rrectness f 35 U.S.C 103 Rejecti ns

Were all 35 U.S.C 103 rejections reasonable?

☐ Yes ☐ No

(No indicates the presence of a potential clear error)

If no, indicate the problem (check all that apply)

- ☐ Claimed features not found in the reference.
- ☐ References not combinable.
- ☐ Date of the reference no good.
- ☐ Improper motivation.
- ☐ No reasonable expectation of success.
- ☐ Improper Official Notice taken.
- ☐ Other

Comments:

Clarity of 35 U.S.C 103 Rejections

Were all 35 U.S.C. 103 rejections formulated in a clear manner?

☐ Yes ☐ No

(No indicates potential clear error)

Were claim limitations matched to the art?

☐ Yes ☐ Sometimes ☐ No

Were the differences clearly stated?

☐ Yes ☐ Sometimes ☐ No

Was the modification or combination of references clearly explained

☐ Yes ☐ Sometimes ☐ No

Was the motivation/reasons for obviousness present?

☐ Yes ☐ Sometimes ☐ No

Comments:

35 U.S.C 103 Rejection(s) That Should Have Been Made

Give a brief description of the 35 U.S.C. 103 rejection(s) that should have been made:

Claims 1, 8 and 9 are unpatentable over Tetsuji (62-37923) in view of the Hardy et al (5,343,012) teaching that it is known in the art to utilize clamping means 22 to secure a substrate to the first surface of a hot plate 10 having a heat source 12 operably coupled thereto. It is not clear whether or not the Tetsuji heat source 3 is coupled to the second surface of hot plate 6, but in view of the Hardy et al teaching of a unitary hot plate+heat source this would have been an obvious design choice to facilitate portability and applicant has not indicated any new or unexpected results from such coupling. Likewise, it would have been clear from the Hardy et al teaching that substrates may rest on the first surface of the hot plate during baking and that the Tetsuji clamp means 5 obviously would similarly function for securing larger sized substrates on the first surface of hot plate 6 to facilitate baking thereof.

Origin of Prior Art used in the proposed 35 U.S.C. 103 rejection(s) above

☒ of record

☐ not of record (attach search logic/documentation)

☐ East

☐ EPO

☐ Other

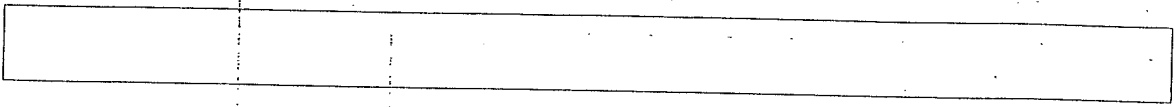
☐ West

☐ JPO

☐ NPL

☐ Derwent

Comments:



ALLOWED REVIEW**Applicati n Number**

10/073,711

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Reviewer

Baldwin, Robert

SECTION XI. File Wrapper**Reasons for Allowance (R/A)**

Did the Examiner write a Reasons for Allowance (R/A)?

☐ Yes ☒ No ☐ N/A

If yes,

Is the R/A clear and complete?

☐ Yes ☐ No

If no,

Does the record as a whole indicate a R/A was necessary?

☐ Yes ☒ No

Comments:

Interviews

Was there an interview regarding the merits of the case relevant to the action reviewed?

☐ Yes ☒ No

If yes,

Was Summary Form PTOL-413 completed?

☐ Yes ☐ No

Is the record of the interview clear and complete?

☐ Yes ☐ No

Comments:

Claims

Were claims treated in an inappropriate manner on non-substantive issues?

☐ Yes ☒ No

If yes,

☐ claims are present that were not addressed.☐ claims previously withdrawn from consideration should have been cancelled.☐ improper dependent claims were not properly treated.☐ other

Comments:

Sequence Rules

Does the application contain nucleotide and/or amino acid sequences?

☐ Yes ☒ No

If yes,

Did the examiner properly handle Sequence Compliance Issues?

☐ Yes ☐ No

Comments:

ALLOWED REVIEW**Application Number**

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24-Jul-03

Reviewer

Baldwin, Robert

Section XIII. Other Issues

Were all claims for priority properly treated?

☐ Yes ☐ No ☒ N/A

If a restriction was made, was it proper?

☐ Yes ☐ No ☒ N/A

Were all matters of substance in applicant's response and affidavits/declarations evaluated sufficiently?

☒ Yes ☐ No ☐ N/A

Other issues?

☐ Yes ☒ No

Comments:

ALLOWED REVIEW		
Application Number 10/073,711	Notice Of Allowance 24-Jul-03	Reviewer Baldwin, Robert
Section XIV. Indicia of Commendable/Outstanding		
Patentability Determination: Indicia of Commendable/Outstanding		
The record developed by the examiner shows an indication of allowable subject matter at the earliest time which is consistent with the file record and prosecution of the application.		<input type="checkbox"/> Yes
Through the rejections and arguments made by the examiner, an appropriate line of patentability is established which results in amendment(s) properly limiting the scope of an		<input type="checkbox"/> Yes
The search record in the application clearly shows that the examiner construes the claimed subject matter in its broadest reasonable interpretation and seeks to develop prior art from the appropriate peripherally related art areas.		<input type="checkbox"/> Yes
Action Taking: Indicia of Commendable/Outstanding		
The statements of rejection, objection, and response to arguments clearly and concisely present the positions taken or recommended in the resulting Office actions including a thorough substantive explanation to convey those positions to the applicant.		<input type="checkbox"/> Yes
The Office action usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken.		<input type="checkbox"/> Yes
The Office action indicates that the principle of compact prosecution is being fully followed. Note, the principle of compact prosecution comprises conducting an initial search which is as complete as possible including consultation with an expert in the art where the examiner lacks such expertise (see search guidelines); placing art of record which meets both the concept and the wording of the claims as well as other art which is pertinent to significant though unclaimed features of the disclosed invention; and issuing a first Office action which clearly explains the examiner's position on each essential issue in such detail that absent some unexpected consideration the next Office action may be made final.		<input type="checkbox"/> Yes
Patent Examining Function: Indicia of Commendable/Outstanding		
Check one of the following statement if applicable:		
<input type="checkbox"/> The Office action is formulated to advance the prosecution, correct other informalities, and develop a complete file wrapper record. The Office action also is such that it leaves little room for improvement. The Office action clearly and concisely presents the positions taken.		
<input type="checkbox"/> The entire Office action is complete and accurate and does not require any substantial revision. The Office action effectively conveys the positions taken.		
Comments:		

Reviewer

Baldwin, Robert

Patentability Determination: Indicia of Commendable/Outstanding

☐ Yes☐ Yes☐ Yes☐ Yes☐ Yes☐ Yes

☐ The entire Office action is complete and accurate and does not require any substantial revision. The Office action effectively conveys the positions taken.

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ALLOWED REVIEW**Application Number**

10/073,711

N tice Of Allowance

24-Jul-03

Reviewer

Baldwin, Robert

Search**Initial Data Capture Points**

Was art provided from an ESS before first action?

☐ Yes ☐ No

Was any IDS improperly treated?

☐ Yes ☒ No ☐ N/A

Was a text search performed by the Examiner?

☒ Yes ☐ No

Was it non-patent literature?

☐ Yes ☒ No

Is the search strategy printout present?

☒ Yes ☐ No ☐ N/A

Was the inventorship searched by the Examiner?

☐ Yes ☒ No

If any TC or specialized art has identified specific search requirements in addition to or in exclusion of the above requirements, were these specific requirements complied with?

☐ Yes ☐ No ☒ N/A

Were foreign patent documents cited by the Examiner on an 892?

☐ Yes ☒ No

Were NPL documents cited by the Examiner on an 892?

☐ Yes ☒ No

Did the Examiner perform a new search in a 2nd/subsequent action?

☐ Yes ☒ No ☐ N/A

Did the Examiner update all searches in a subsequent action?

☒ Yes ☐ No ☐ N/A

Did an ESS submit a new search report in a 2nd/subsequent action?

☐ Yes ☐ No ☐ N/A

Was there new art found by the Examiner that was applied in a 2nd/subsequent action?

☐ Yes ☐ No ☒ N/A

Has a search been performed by the Reviewer?

☐ Yes ☒ No**Overall Rating of the Search**☒ Adequate☐ Less than Adequate

Comments: